

REMARKS

Claims 1-12, 14-17, and 19-25 are pending. Claims 1 and 14 are amended. Support for the amendments can be found in at least FIGs. 11 and 12 and the associated text (especially paragraphs 45 and 46). Claims 24 and 25 are new. Applicants submit that the amendments do not add new material to the current Application. No amendment made is related to the statutory requirements of patentability unless expressly stated herein. No amendment made is for the purpose of narrowing the scope of any claims, unless Applicants argue herein that such amendment is made to distinguish over a particular reference or combination of references.

Claims 1, 2, 4, 9-11, 14, 15, 17, 19 and 20 are patentable over Patridge in view of Razouk.

Regardless, Applicants submit that claims 1, 2, 4, 9-11, 14, 15, 17, 19 and 20 are patentable over Patridge in view of Razouk because the references fail to teach or suggest all features of the claims, especially claims 1 and 14.

With respect to claim 1 and its dependencies, Patridge and Razouk fail to teach or suggest, "wherein a gap is formed between the semiconductor substrate and the layer... and forming an insulating layer over the layer at approximately atmospheric pressure to seal the opening and close the gap off to the environment." Patridge and Razouk, alone or together, fail to teach or suggest a gap and closing it off to the environment when forming an insulating layer at approximately atmospheric pressure. Both teach filling and sealing openings, such as trenches. Instead, Patridge and Razouk teach or suggest filling an opening and any gaps. In fact, Razouk teaches away from leaving a gap, because Razouk teaches performing a reflow to avoid the presence of voids. (Col. 1, lines 56-62.) For at least this reason claim 1 and its dependencies are patentable over the cited prior art.

With respect to claim 14 and its dependencies, Patridge and Razouk fail to teach or suggest, "removing the sacrificial layer to form a gap; and sealing the opening with the material, wherein sealing occurs at approximately atmospheric pressure and after sealing a pressure within the gap is at approximately atmospheric pressure. As discussed above, Patridge and Razouk fail to teach or suggest forming a gap and sealing an opening, wherein after sealing a pressure within the gap is at approximately atmospheric pressure. As discussed above, Patridge and Razouk teach or suggest filling gaps and Razouk teaches away from having gaps. For at least this reason claim 14 and its dependencies are patentable over the cited prior art.

Claims 3, 5-8, 16, 21 and 22 are patentable over Patridge, Razouk and the Examiner's comments.

Claims 3, 5-8, 16, 21 and 22 (and new claims 24-25) depend from claims 1 or 14 and thus are allowable for at least the same reasons as claims 1 and 14.

Although Applicants do not necessarily agree with the Examiner's comments, Applicants will not address them here since the issue is moot because the claims are patentable even if the Examiner's comments are correct.

The previous office action stated claim 23 was allowable. Therefore, all pending claims are now allowable.

Although the Office Action contains additional statements characterizing the claims, the specification, previous arguments, or the prior art Applicant refuses to subscribe to any of these statements, unless expressly indicated by Applicant regardless of whether such statements are addressed by Applicant.

Applicants earnestly solicit allowance of all pending claims. Please contact Applicant's practitioner listed below if there are any issues that can be resolved by telephone.

If Applicant has overlooked any additional fees, or if any overpayment has been made, the Commissioner is hereby authorized to credit or debit Deposit Account 503079, Freescale Semiconductor, Inc.

Respectfully submitted,

SEND CORRESPONDENCE TO:

Freescale Semiconductor, Inc.
Law Department

Customer Number: 23125

By: /Kim-Marie Vo/
Kim-Marie Vo
Attorney of Record
Reg. No.: 50,714
Telephone: (512) 996-6839
Fax No.: (512) 996-6854